



BARRY M. GOLDEN
ASSOCIATE
BGOLDEN@ADELMANMATZ.COM
P: (646) 650-2207

February 22, 2024

VIA ECF

Hon. Jennifer L. Rochon, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

Re: *Arthur Balder v. Susan Sarandon, et al*, Case No.: 1:22-cv-06401-JLR-SN

Hon. Judge Rochon:

We represent Defendants Susan Sarandon, Honey Shara, David Shara and Tigran Tsitoghdzyan (collectively, “Defendants”) in this action. We write pursuant to Section (1)(F) of your Honor’s Individual Rules of Practice in Civil Cases to respectfully request an extension of the deadline for Defendants to file a response to Plaintiff’s objections to the Hon. Magistrate’s Report and Recommendation dated December 18, 2023 (“R&R”) [Dkt. No. 86] currently due February 26, 2024, to March 5, 2024.

Pursuant to FRCP Rule 72(b)(2), each party has fourteen (14) days from the date that the other party serves a copy of their objections to file their responses. By order dated February 8, 2024, your Honor set the deadline for each party to file responses to one another’s objections to February 26, 2024 [Dkt. No. 107]. Plaintiff emailed a copy of his objections to the R&R to Sarah Matz, late on February 16, 2024¹ and they were subsequently served via ECF on February 20, 2024 (“Plaintiff’s Objections”) [Dkt. Nos. 110-111]. Even from the date of emailing, which did not copy all attorneys who have appeared on this case, the deadline set by the Court gave Plaintiff twenty-six (26) days to respond to Defendants’ Objections, but only gave Defendants ten (10) days to respond to Plaintiff’s Objections.

While we do not have an issue with Plaintiff, who is *pro se*, having some additional time to respond to Defendants’ objections, i.e. the current deadline of February 26, 2024, we are writing to respectfully request that Defendants be given the full fourteen (14) days to respond to Plaintiff’s objections. We do not know if the Court intended to shorten Defendants’ time to respond, however, given that Plaintiff was granted additional pages, over Defendants’ objection, and Monday was a federal holiday which our Firm was closed for, we respectfully ask that we be given the fourteen (14) days allowed pursuant to FRCP Rule 72 to respond.

¹ The email was not sent to all counsel who have appeared on this case.

Defendants would be prejudiced if they are not allowed the full fourteen (14) days to respond to Plaintiff's Objections, i.e. up to and including March 5, 2024.

This is the Defendants' first request for an extension of time to file their response to Plaintiff's Objections. Defendants only previously requested that their time to respond to the Plaintiff's Objections be reset pending the outcome of their request to the Court to strike Plaintiff's original objections to the R&R, which was 107 pages long. [Dkt. No. 101]. By memo endorsement dated February 6, 2024, the Court struck Plaintiff's prior objections and allowed him to re-submit by February 16, 2024 [Dkt. No. 102].

On February 21, 2024, we emailed the Plaintiff requesting his position on whether he will consent to this request and followed up on that email, however, as of the time of filing, we have not heard back from Plaintiff.

We greatly appreciate your Honor's time and consideration in this matter, and should the Court need any further information we are happy to provide such and are available at the Court's convenience.

Respectfully Submitted,

ADELMAN MATZ P.C.



Barry M. Golden, Esq.

Cc. Arthur Balder (via ECF pursuant to Court Authorization)

Given that *pro se* Plaintiff emailed a copy of his brief to counsel for Defendants on February 16, 2024, the Court is not necessarily persuaded that the operative date for purposes of Rule 72(b)(2)'s 14-day timeline was February 20, 2024. *See, e.g.*, Fed. R. Civ. P. 72(a) (distinguishing between when an objection is "serve[d]" and when it is "file[d]"). Still, as a courtesy, the Court will extend the deadline for Defendants to respond to Plaintiff's objections (ECF No. 111) until **March 5, 2024**. The Court will also extend the deadline for Plaintiff to respond to Defendants' objections (ECF No. 100) until **March 5, 2024**. As previously ordered (ECF No. 107), the parties' response briefs **shall not exceed twenty-five (25) pages** (not including the cover page, the tables of contents and authorities, and any affidavits or exhibits). The Court will not entertain requests for additional pages or extensions.

Dated: February 22, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge